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KTIP

SUBJECT: NINTH ANNUAL TRAFFICKING IN PERSONS REPORT SOUTH  
KOREA SUBMISSION PART 1

REF: SECSTATE 132759

¶1. (U) Post's submission for the ninth annual Trafficking in Persons (TIP) Report follows. Responses are keyed to questions in Ref A.

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Paragraph 23: South Korea's TIP Situation  
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¶2. (U) A. The ROK Ministry of Justice (MOJ) is the primary source of governmental information on the status of combating trafficking in Korea. MOJ takes the leading role in coordinating the government's efforts. The ROKG's information -- particularly statistics -- is very reliable. Additional information in this report was gleaned from Korean media and solicited from NGOs, foreign embassies, and U.S. law enforcement authorities. While the information MOJ provides is highly reliable, the ROKG often fails to aggressively track victims. For example, in the case of women trafficked from Korea, the ROKG is unable to provide data that distinguishes between smuggled and trafficked women who enter foreign countries illegally and obtain jobs as sex workers. On the issue of labor trafficking in Korea, MOJ prosecutes human rights violators aggressively, but has no statistical means of separating foreign and Korean victims. MOJ reports, however, it should be able to provide these statistics for next year's report.

¶3. (U) B. In 2008 the ROK remained a source, transit, and destination country for women trafficked for the purpose of sexual exploitation. Prostitution in Korea continued to occur in a wide variety of settings, and there was reason to believe that some establishments moved underground following the enactment of the 2004 Act on the Punishment of Procuring Prostitution and Associated Acts and the Act on the Prevention of Prostitution and Protection of the Victims (NOTE: Together, these laws are subsequently referred to as the "Anti-Prostitution Laws"). These laws designated prostitution as a crime, and, as a result, according to a poll conducted in August 2007 (the latest available data) by the Ministry of Gender Equality (MOGE), 90 percent of

respondents recognized that prostitution was a crime, up from 30.4 percent before the laws went into effect. Additionally, the ROKG reports that since the Anti-Prostitution Laws went into effect, women engaged in prostitution decreased by 59 percent from 5,567 in 2004 to 2,282 in 2008. The 2004 Anti-Prostitution Laws called for prostitution preventive education in public schools, and in 2008 the law was revised to extend that training to public agencies and local governments.

¶4. (U) B. (contd) According to the Ministry of Justice, there is no evidence to suggest that international criminal organizations are involved in smuggling women to or from Korea. Instead, most Korean women -- and increasingly men -- were smuggled to the United States via Canada or used visa brokers to obtain the false documents necessary to procure a U.S. visa. These individuals are then employed in the sex trade after their arrival. Most travel intending to work as prostitutes, but some are told they will be hostesses, entertainers, or students. After their illegal entry into the U.S., these men and women are vulnerable to traffickers. The ROKG was unable to provide data on how many of these women were trafficked and how many were smuggled. Korea entered the Visa Waiver Program (VWP) in November of 2008; it is as yet unclear what impact that will have on the trafficking of women from Korea to the U.S.

¶5. (SBU) B. (contd) Women continued to be trafficked into Korea from Southeast Asia. Most of these women entered Korea on E-6 entertainment visas, and then were compelled to work

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as prostitutes. Despite U.S. Forces Korea's (USFK) zero tolerance policy on prostitution, many women -- particularly from the Philippines -- were brought into Korea to cater to U.S. servicemen, according to Dooraeabang, a Korean NGO. These women were frequently employed at clubs near U.S. military bases in Pyongtaek, Songtan, Dongdoochun, Euijeongbu, and Daegu. The Philippine Embassy estimates that about 3,000 Filipinos work as "entertainers" in Korea. Dooraeabang reported that the women's passports are often confiscated and their wages are sometimes withheld. In October 2008, the National Human Rights Commission (NHRC), formed by the government in 2001 to serve as a national advocacy institution for human rights protection, held a conference on how to protect the human rights of E-6 visa holders. The NHRC recommended that the MOJ tighten standards on, and take steps to reduce fraud by, establishments that employ E-6 visa holders. The NHRC also recommended extending social benefits to such workers as well as extending the same protections already afforded to migrant workers.

¶6. (SBU) B. (contd) An ongoing concern was the number of Southeast Asian women brought into Korea as foreign brides. Korean men, particularly in rural areas, increasingly look abroad for spouses as many young Korean women are unwilling to live a traditional life in farming communities. The number of international marriages in Korea totaled 13.6 percent of all marriages in 2007 (the latest year, for which statistics are available), up from 12 percent in 2006. Forty percent of Korean men working on farms married foreign wives in 2007. These women were brought into Korea with varying degrees of awareness about the expectations of their new Korean families. Although many of these marriages are mutually beneficial, some of the foreign brides have been subjected to physical and/or psychological abuse. Several high-profile cases of women committing suicide or being killed by their Korean spouses have thrust this issue into the media spotlight. There are a significant number of NGOs working to help "foreign brides," and the Korean Government, acknowledging that this is a problem, is working to address abuses. In 2007 the National Assembly passed the Marriage Brokerage Act, which regulated both domestic and international marriage brokers. The law included provisions to prevent brokers from making false or exaggerated claims and encouraged local brokerages to register when they set up

international offices. The act has no specific punishment for offenses. Although the issue has received media and political attention, the Center for Women's Human Rights (CWHR) notes that most ROKG-funded programs to help these women focus on enabling them to adapt to Korean society rather than efforts to stop trafficking violations and domestic abuse.

17. (U) B. (contd) Labor trafficking remains a problem in Korea, but a lack of awareness about this form of trafficking makes the problem difficult to quantify. Foreign embassies, particularly the Philippine Embassy, reported that most labor trafficking victims are employed in small, rural factories. Korea tends to address the issue of labor trafficking from a human rights perspective. Korea has a large number of illegal workers (estimated at 223,464 in 2007) and has instituted a mechanism to reduce this number and improve the conditions of legal foreign workers. The Employment Permit System (EPS) is a highly structured method that allows the ROKG to employ and protect foreign migrant workers for up to a three-year stay in Korea. EPS begins with a Memorandum of Understanding (MOU) between the source country and Korea. Although the specific contents of the MOU are not public, it is said to include strict guidelines on how workers should be recruited and dispatched to Korea. The Philippine Embassy estimated that 30,000 of the 50,000 Filipinos in Korea entered under the Employment Permit System (EPS).

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18. (U) B. (contd) Under EPS, source governments are subjected to a high-level of public scrutiny and can be banned from the program if "irregularities" are reported. Upon arrival in Korea, foreign workers are given a three-day orientation that includes an explanation of workers' rights and Korean labor law. The workers are also given contact information to report any concerns about labor or human rights violations. Along with EPS, the Ministry of Labor funds three well-staffed Migrant Workers Centers to support the large number of foreign workers. The centers provide a range of welfare services including free health care and legal support in addition to quality-of-life services such as Korean language and computer classes. The centers also have bilingual counselors who take calls from migrant workers and help to resolve any complaints against employers in 12 different languages. According to the Ministry of Labor, as of late April, 377,032 foreign workers were employed through EPS.

19. (U) C. According to the ROKG, trafficking victims were mostly kept watch over at boarding places and forced into prostitution by pimps. The Thai Embassy reported many Thai women sign contracts for employment. When they arrive in Korea they find their contracts are destroyed and they are forced to work 24 hours a day. The Gwangju Immigration Center at the Borderless Village, citing data from Samsung Life Insurance which sells policies to migrant workers, reported 217 deaths among foreign workers over the last three years. Of these deaths, 104 were confirmed to have died from heart attacks, strokes or sleeping disorders, reflecting the poor working and living conditions of foreign workers. Officials say foreign workers commonly work 12 hours a day without a break, seven days a week. In addition to poor working conditions, the inaccessibility of medical treatment is also cited as a cause for these deaths.

110. (U) D. Young women residing illegally in Korea were particularly vulnerable to human trafficking. Women were trafficked to Korea from the Philippines, Russia, China, Mongolia and South East Asia. In addition to those trafficked to Korea explicitly for the sex trade, foreign brides are also vulnerable to trafficking. The International Organization for Migration reported the South Korean Embassy in Cambodia saw a 500 percent increase -- a total of 1,759 marriage licenses to Korean men marrying Cambodian women -- from 2006 to 2007. These women were young, often illiterate,

and from impoverished backgrounds. While marriage brokers received up to US\$20,000 from Korean men, the bride's family might only receive US\$1,000. Often unaware of the situation that awaits them in Korea, or discontent with cultural differences or language barriers or even abuse, these foreign brides are vulnerable to exploitation if they choose to escape these marriages. (NOTE: It takes these women several years to obtain Korean citizenship even if they have children. END NOTE.) According to a Korean foreign women's shelter, about half of the women who had stayed at the shelter had run away because of cultural differences, and the other half were in psychologically or physically abusive situations. Although the number of abuses overall is small, there have been reports of debt bondage and forced labor associated with these marriages.

¶11. (U) D. (contd) Illegal migrant workers and those from countries that are not yet part of EPS were also vulnerable to labor trafficking. Migrant workers in small factories consisting of five employees or fewer were particularly vulnerable. Only 15.1 percent of such factories sign contracts with their workers, making abuses more prevalent.

¶12. (U) E. Traffickers in Korea were mostly unlicensed employment agencies or private moneylenders who conspired with entertainment operators to buy and sell women or girls

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to work in these establishments. Among women trafficked into Korea for sex, their travel was often facilitated by "club promoters" who negotiated employment contracts for women to be entertainers. When the women arrived in Korea, these contracts were not honored and the venue and type of work specified in the contract was altered, forcing them into prostitution and sexual exploitation. The Korean Government had no evidence to suggest that these brokers are affiliated with international crime syndicates. These brokers tended to target poor women and/or runaways, pay off their debts, and then use this as leverage to force them to work in the sex trade. The Korean Government also had no evidence that travel agencies or marriage brokers were used as fronts for criminal elements engaged in trafficking, although NGOs said that, despite the ROKG's efforts, overseas prostitution is increasing, propelled in part by travel agencies' inclusion of prostitution as part of their tourism packages.

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Paragraph 24: Background on ROKG Anti-TIP Efforts  
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¶13. (U) A. The ROK acknowledges that trafficking is a problem and is committed to combating trafficking. In particular, Korea has shown an impressive willingness to fund efforts to prevent sexual exploitation. For example, since the Anti-Prostitution Laws were established in 2004, the funds allocated to support victims and prevent prostitution have increased to 15.4 billion won (USD 11.8 million) in 2008 from only 2.9 billion won in 2003. The ROKG subsidized facilities run by civic groups that provided physical protection, counseling, medical services, legal services, and rehabilitation for trafficking victims. The government also runs the Korea Media Rating Board, which serves to vet foreign entertainers seeking visas to work as entertainers in Korea. The Korea Media Rating Board evaluates if the applicant is actually an entertainer; this process takes place before the applicant is allowed to apply for a visa to work as an entertainer in Korea.

¶14. (U) B. The Ministry of Justice has the lead in anti-trafficking efforts. In 2004 the ROKG formed the Monitoring Commission on the Prevention of Prostitution, an inter-agency task force to address the sex trade. The task force is comprised of: the Ministry of Justice; the Ministry of Gender Equality (MOGE); the Ministry of Education; the Ministry of Government Administration; the Ministry of Culture and Tourism; the Ministry of Knowledge Economy; the

Ministry of Health and Welfare; the Ministry of Labor; the Korean National Police Agency; the National Youth Commission; the Seoul Metropolitan Government Office; and the Office of Government Policy Coordination. Additionally, the International Criminal Affairs Division of the Ministry of Justice conducts a meeting twice a year specifically to address trafficking; in 2008, however, only one meeting was held. In these meetings, working level officials from the Prosecutors' Office, Police, Ministry of Gender Equality, Ministry of Foreign Affairs and Trade, and the Ministry of Labor discuss pending investigations and enforcement activities and coordinate efforts to reduce trafficking-related crimes.

¶15. (SBU) B. (contd) NGOs have been critical of MOJ's leadership in fighting trafficking. CWHR reported that, although the MOJ is responsible for anti-trafficking, its efforts have been insufficient and insincere. Doorae bang, another Korean NGO, said the police actively support victims but was critical of MOJ's role, saying that the ministry is passive and has not been an effective leader in anti-trafficking efforts. According to Doorae bang, MOGE and NHRC as well as local officials in Gyeonggi Province have been very involved in anti-trafficking efforts.

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¶16. (SBU) C. The real challenge Korea faces in addressing trafficking for both sexual as well as labor exploitation is awareness. Korea, a traditionally male-dominant society, came late to the issue of women's rights and is still struggling to catch up. NGOs report that the police are increasingly willing to investigate allegations of domestic violence, but convictions are rare. Government officials tend to view sexual and labor exploitation as human rights violations, rather than as trafficking. Nevertheless, Korea's strong commitment to protecting human rights has aided rather than thwarted anti-trafficking efforts. Corruption does not play a role in hindering anti-trafficking efforts.

¶17. (SBU) C. (contd) Most NGOs were established under the previous two Korean presidents' liberal administrations. When a new conservative president was inaugurated February 2008, there was a shift in government support for these NGOs. While the NGOs' budgets are largely funded by the government, the new conservative administration's policy has decreased government support to NGOs, according to CWHR. CWHR was among the NGOs that, as a result of budget cuts, were forced to greatly reduce staffing and programs. According to CWHR, the Ministry of Gender Equality began requiring NGOs that assist prostitutes to share personal data of their clients with the government or forego government support.

¶18. (SBU) D. The ROKG operates the Monitoring Commission on the Prevention of Prostitution to monitor anti-prostitution efforts and address major issues. The ROKG, through the Ministry of Gender Equality, conducts a nationwide poll on the status of the sex business and the prosecution of offenders every five years and most recently in 2007. The results of this poll are made public. In 2006, local governments started an annual review of local government policies to prevent prostitution. In order to promote anti-sex trafficking policies in local areas, the Ministry of Gender Equality conducts a survey to determine the 'Prostitution Cleanness Index,' and uses these results to assess local governments. Successful local governments were rewarded in December 2008.

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Paragraph 25: Investigation and Prosecution  
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¶19. (U) A. Korean law prohibits trafficking for both sexual and non-sexual purposes. Sexual exploitation by means of

force, fraud, or coercion is defined as a crime under the Criminal Act, which prohibits the following activities: kidnapping and trading for profit; kidnapping, trading, and transporting to a foreign country; and receiving, concealing, or exploiting kidnapped or purchased individuals. Additional laws are as follows:

- The Act on the Punishment of Intermediating in Sex Trade and Associated Activities (2004) prohibits human trafficking for the purpose of sexual exploitation. This act also specifically provides for punishing individuals who force juveniles and the disabled to engage in sex trade activities.
- The Juvenile Sex Protection Act prohibits coercing, engaging in, and trafficking juveniles for sexual exploitation domestically or abroad.
- The Child Welfare Act prohibits buying or selling children. The act also protects children under 18 from labor exploitation.
- The Labor Standard Law prohibits labor exploitation. Employers who violate this law can be sentenced to up to five years in prison or up to 30 million won (USD 32,000) in fines.

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- The Immigration Control Law prohibits employers from confiscating a foreigner's passport or registration certificate to secure employment contracts or payment of debts.
- TIP offenses can also be penalized under the Act on Additional Punishment for Specific Crimes (including kidnapping and coercion by fraud; the Immigration Law; the Passport Act; and the Stow-Away Control Law. Offenders can also be subjected to punitive civil sanctions.

¶20. (U) B. According to the 2004 Anti-Prostitution Laws, sex trade customers can be sentenced to up to three years' imprisonment and traffickers for more than three years. The Anti-Prostitution Laws called for eradicating the procurement of prostitutes and commercial trafficking and the protection of victims' human rights. Under these laws, the prostitute and client can be sentenced for up to one year in prison or subjected to a fine not exceeding three million won (USD 2,300). The pimp is subject to up to seven years in prison or a fine not exceeding seventy million won (USD 54,000). These two Anti-Prostitution Laws apply to Koreans abroad as well as Koreans and foreigners throughout Korea. NGOs affirmed that prostitution laws are enforced, and noted that pimps tended to be punished more harshly; punishment ranged widely from three years in prison with a 30 million won (USD 23,000) fine to 10 years in prison with a 100 million won (USD 77,000) fine. There was a decrease in prostitution cases by over 5,000 -- from 39,705 in 2007 to 34,511 in 2008.

¶21. (U) C. The Immigration Control Law prohibits employers from confiscating a foreigner's passport or registration certificate to secure employment contracts or payment of debts. Violators can be sentenced for up to three years in prison or be fined up to 20 million won (USD 15,000). Under the Labor Standard Law, employers who withhold payment of salaries can be sentenced to up to three years in prison or fined up to 20 million won (USD 15,000). The Labor Standard Law also stipulates that employers cannot use violence, threats of violence, confinement, or psychological or physical bondage to control workers. Violators are subject to up to five years in prison or a fine not exceeding 30 million won (USD 23,000). Deception, fraud, or the use of sex in the course of recruiting workers is punishable under Korea's Criminal Law. Employers who confiscate workers' passports or travel documents, switch contracts without the worker's consent, or withhold payment of salaries are subject to punishment under Criminal Law statutes prohibiting the fabrication of private or official documents or the use of threat. If such allegations involve forced labor, the offences could also fall under the Labor Standard Law. The Korean National Police investigate cases of employers

violating the Labor Standard Law and bring criminal charges against them.

¶22. (U) C. (contd) The Ministry of Labor announced a revised bill on July 9, 2008, that outlined more supportive measures for migrant workers. It allows the employer and employee to decide on the renewal periods of their employment contract within a three-year term. Under current legislation, migrant workers have to renew their contracts every year, a process deemed unnecessary by some unionized migrant workers. According to the Ministry of Labor, there were 223,464 illegal foreigners in 2007 and 211,988 in 2006. In 2008 MOL pledged to implement measures to prevent such delays in wage payments, protect underage workers, encourage firms to abide by the minimum wage standards and have all firms sign written contracts with their workers.

¶23. (U) C. (contd) The police and courts are responsible for handling crimes of fraud, exploitation, entrapment, fabrication of official documents, and physical and

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psychological threats. In cases in which salaries are withheld, the Ministry of Labor, under the supervision of the prosecutors, is in charge of the investigation. The Prosecutor's Office and courts decide the punishment -- usually fines or prison sentences.

¶24. (U) D. The Criminal Law stipulates that those who commit rape or forced sexual assault can be sentenced to at least three years in prison. Additionally, those who commit obscene acts can be sentenced for up to 10 years in prison or fined up to 10 million won (USD 7,700). Sexual assault can also be punished under the Act on the Punishment of Sexual Violence Offenses and Protection of Victims. The penalties for crimes of trafficking for commercial sexual exploitation are at least three years in prison, the same sentence as rape cases. Rape, however, is punishable under the law only when the victim files a charge, whereas this is not the case for crimes of trafficking for sexual exploitation. Although the penalty for rape is a prison term of three years to life, in 2008 a Busan court sentenced a rapist to 12 years in jail, which some observers have noted is part of a trend toward stiffer sentences for rapists.

¶25. (U) E. Sex trafficking: In 2008, among the 220 trafficking offenses the ROKG investigated, 55 individuals were prosecuted for using fraud to sexually exploit women for profit in accordance with the Criminal Act and Act on Additional Punishment for Specific Crimes.' No statistics were available on how many of these offenders were convicted or on their sentences. There are no plea bargains in Korea nor are these crimes punishable by fines under Korean law. The government has no specific statistics, but when convicted, barring any special circumstances, offenders serve the full sentence.

¶26. (U) E. (contd) Labor trafficking: Under human rights protection laws, the ROKG punishes employers who withhold wages, confiscate passports, or use coercion. The MOJ, however, does not disaggregate statistics according to foreign or Korean victims. From next year, MOJ said, these statistics will be available, but for this reporting period, there are no figures on the number of labor traffickers sentenced. According to the Ministry of Labor (MOL), in 2008 there were 4,204 cases of reported nonpayment of wages to foreign workers. MOL data also revealed that 6.7 percent of workplaces that hired underage workers violated the minimum wage standards and only 15.1 percent of companies with fewer than five workers signed written contracts with their workers. MOL pledged to expand the number of support centers that facilitate recovering delayed wages from the current 20 to 27 this year.

¶27. (U) F. The Ministry of Justice conducts a training program for government officials to heighten their

understanding of prostitution prevention policies and educate them on practical aspects of investigating and prosecuting trafficking. In 2008, 320 public officials took part in the training. Prosecutors and investigators also took part in international conferences on investigating trafficking. The Korean National Police Agency educates police officers on victim protection. In 2008, 32 officers attended the preventive education courses offered by the Korea Institute for Gender Equality Promotion & Education under the Ministry of Gender Equality in order to raise awareness on anti-sex trafficking policies and to provide instruction on appropriate support for victims. For criminal investigators, the ROKG provides a course on investigating crimes against women and children. The course covers comprehensive sex trafficking issues, relevant laws and case studies of sex trafficking.

¶28. (U) F. (contd) On September 22, 2008, the Prostitution  
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Laws were revised to obligate preventive education by MOJ on prostitution in government agencies.

¶29. (SBU) G. According to the ROKG, the Korean police cooperate in investigations and information-sharing with Interpol and foreign security authorities. Officials from U.S. Department of Homeland Security (DHS) report that the ROK cooperates closely on international investigations. Both DHS and the U.S. Embassy's Fraud Prevention Unit regularly received reliable, real-time information from Korean National Police and Korean Immigration Services. This information has successfully assisted in dismantling prostitution rings and led to information on several potential trafficking cases currently under investigation. Between January and August 2008, the Korean police arrested 24 visa brokers, dismantling several visa fraud rings. More than 50 percent of the brokers' clientele were young Korean women in their 20's and 30's, attempting to travel to the U.S. to work as hostesses, prostitutes, and masseuses. According to DHS/ICE, a very small number of fraudulent visas and smuggling investigations turn out to be trafficking cases. Usually the women and, DHS reports, increasingly men know they are going to the U.S. to work in the sex trade.

¶30. (SBU) G. (contd) DHS Customs and Border Patrol (DHS/CBP) stations officers at Incheon International Airport as part of the Immigration Advisory Program in which DHS/CBP officers work alongside Korean Immigration Service officials, cross-referencing U.S. and Korean databases to stop illegal travelers transiting as well as originating in Korea. According to Embassy Lima, a recent raid of Peruvian smuggling operations turned up several forged Korean passports that smugglers were using to smuggle Chinese nationals into the U.S. through the Visa Waiver Program (VWP). DHS/ICE reports that the ROKG has been "a tremendous help" in trying to crack down on individuals transiting Korea using fraudulent passports. Korean authorities provide real time information on Chinese nationals transiting Incheon International Airport.

¶31. (SBU) G. (contd) DHS officials estimated smuggling and trafficking cases dropped in 2008 as Koreans waited for the VWP (effective November 17, 2008), but said the cases of smuggling and trafficking could increase as these individuals attempt to travel under VWP. DHS/ICE officials in Seoul speculate that, although it is far too early to tell what affect the VWP will have on smuggling operations, it is likely that the program will reduce the numbers of Korean nationals entering the U.S. illegally through Canada. The officer said that these networks may still be open to individuals who are unable to travel on visa waiver, but for all others the risk of being caught and then unable to use visa waiver would be too great. According to DHS/ICE officials, Korea's entry into VWP did not diminish the political will to cooperate closely and be aggressive about pursuing trafficking violators.

¶32. (SBU) G. (contd) Although Korean authorities have an excellent track record of cooperating with U.S. law enforcement, other governments do not enjoy the same working relationship. The Philippine Embassy claimed to receive no cooperation in the investigation or prosecution of trafficking cases. The Thai Embassy admitted they rarely attempted to cooperate with ROK authorities on issues of sex or labor trafficking as victims often opted to return home rather than pursue the lengthy process of prosecution.  
STEPHENS